

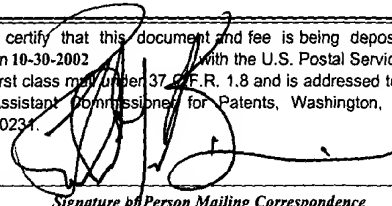


1761

 <b>TRANSMITTAL LETTER</b> (General - Patent Pending)		Docket No. 112701-029	
In Re Application Of: May et al.			
Serial No. 09/230,623	Filing Date 06-14-1999	Examiner S. Weinstein	Group Art Unit 1761
Title: <b>MULTI-LAYERED CANNED PET FOOD</b>			
<b>RECEIVED</b> NOV 06 2002 <b>TC 1700</b>			
<u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u>			
Transmitted herewith is:  <b>Response (8 pgs.); and return receipt postcard.</b>			
in the above identified application.			
<input checked="" type="checkbox"/> No additional fee is required.			
<input type="checkbox"/> A check in the amount of _____ is attached.			
<input checked="" type="checkbox"/> The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. <b>02-1818</b> as described below. A duplicate copy of this sheet is enclosed.			
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 _____ <i>Signature</i>		Dated: <b>October 30, 2002</b>	
<b>Robert M. Barrett</b> Reg. No. 30,142 <b>BELL, BOYD &amp; LLOYD LLC</b> P.O. Box 1135 Chicago, IL 60690-1135 Phone: 312-807-4204		<div style="font-size: small;">I certify that this document and fee is being deposited on 10-30-2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20234.</div> <div style="text-align: center;"> <i>Signature of Person Mailing Correspondence</i> <b>Robert J. Buccieri</b> <i>Typed or Printed Name of Person Mailing Correspondence</i></div>	
CC:			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

11/19/02

Applicant(s): May et al.  
Appl. No.: 09/230,623  
Filed: June 14, 1999  
Title: MULTI-LAYERED CANNED PET FOOD  
Art Unit: 1761  
Examiner: S. Weinstein  
Docket No.: 112701-029

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Commissioner for Patents  
Washington, DC 20231

RESPONSE

Sir:

Please enter the following Response in the above-identified patent application:

REMARKS

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §103. Applicants respectfully submit that the obviousness rejection is not proper and therefore should be withdrawn for at least the reasons set forth below.

More specifically, claims 1-10 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Ohba* in view of *Poppel* and Applicants' alleged admission of the prior art or vice versa, further in view of *Waldburger*, *McGonigle*, *Cease*, *Bliley*, *Stover*, *Rogers*, European Patent Document No. 0,361,893 ("*Docker*"), *Quaker Oats* (GB '351), *QP Corp.* '677, *QP Corp.* '174, *Errass* and *Henkel*. The Examiner essentially relies on the reasons detailed in the previously submitted Office Actions mailed on August 8, 2000, April 3, 2001 and December 12, 2001.

At the outset, the Examiner has cited to *Quaker Oats* (Jap '174). Applicants believe that this reference should have been referred to as *Quaker Oats* (GB '351) as cited in the previously-submitted Office Actions. Accordingly, Applicants discussion, in part, is directed to *Quaker Oats* (GB '351).

Of the pending claims, claims 1 and 10 are the sole independent claims. Independent claim 1 relates to a canned pet food product. The canned pet food product includes a base layer